

c.) Remarks

Prior to this office action, claims 1-37 were pending. In the office action of July 27, 2004, claims 1-37 were rejected.

Outstanding Rejections/Objections

The Examiner has entered or maintained the following objections/rejections:

Rejection of Claims 1-37 Under Non-Statutory Double Patenting

The examiner has rejected claims 1-37 based on non-statutory double patenting over claims 1-35 of copending U.S. application 10/434,014. Applicants respectfully traverse the examiner's assertion that claims 1-37 of the instant application are unpatentable in view of claims 1-35 of copending application 10/434,014. However, in order to expedite the prosecution of this application, Applicants submit herewith a terminal disclaimer, with respect to copending application 10/434,014, under 37 CFR § 1.130 (a)(1) and 37 CFR § 1.321(c), along with payment of the fee for terminal disclaimer under 37 CFR § 120(d). The terminal disclaimer is signed by the attorney of record in this application.

d.) Conclusions

In light of the terminal disclaimer submitted herewith, Applicants respectfully assert that all outstanding issues have been addressed and that the claims are in condition for allowance. Applicants respectfully request that the outstanding rejection be removed and request allowance of the pending claims.

Applicants include a payment of \$55.00 for the terminal disclaimer filed herewith. Applicants believe that no other fees are due or associated with this filing. However, if Applicants are in error, the Commissioner is hereby authorized to draw any additional fees associated with this filing from Deposit Account No. 06-2375, under Order No. P02455US2/10204543, from which the undersigned is authorized to draw.

Respectfully submitted,

Date: October 1, 2004

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ER509329968US in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.

Date: 10/1/2004

Beth J Cobb
(Beth J Cobb)